T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			09-May-07	APPL. S. N:	10079956					
Γο Exami	ner:		HO, DUC C.	Art Unit	2616					
rom			Gunter-Riley, Joyce PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68					
SUBJECT	r: Decisio	n on Terminal	Disclaimer(T.D.) filed:							
INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,										
please initial, date and return this memo to me. THANK YOU.										
区	The T.D. is PROPER and has been recorded (see 14.23).									
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):									
	The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account									
	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).									
	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).									
	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termin portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).									
	The person who signed the T.D.:									
		is no	ot an attorney "of record" (se	ee 14.29 and 14.29.01).						
		has	failed to state his/her capaci	ty to sign for the business entity (see 14.28).					
		is no	ot recognized as an officer of	the assignee (see 14.29 & possib	le 14.29.02).					
nor is the rea (see 37 CFR			tary evidence of a chain of title from the original inventor(s) to assignee has been submitted, and frame number specified as to where such evidence is recorded in the Office 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and are may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
		The T.D. is no	ot signed (see 14.26 & 14.26	.03).						
	The serial number of the application (or the number of the patent) which forms the basis for patenting rejection is missing or incorrect (see 14.32).									
	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).									
		The period dis	sclaimed is incorrect or not s	pecified (see 14.26, 14.27.02 or 1	.4.26.03).					
		Other:			<u>.</u>					
	<u> </u>	Suggestion to and do not ch		NOTE: If already authorized, cred	dit refund to deposit account					
have ap	propriate	ely notified app	licant(s) of the status of the	Terminal Disclaimer filed in this c	ase.					
Ex.Initials	s:	Date	2:		Log Date:					

Application Number	10/079,956		Applicant(s)/Patent (Reexamination PADOVANI ET AL.	under					
Document Code - DISQ		Internal Document – DO NOT MAIL							
TERMINAL DISCLAIMER	☑ APPROVED		☐ DISAPPROVED						
Date Filed : April 30, 2007	This patent is subject to a Terminal Disclaimer								
Approved/Disapproved by:									
Henry D. Jefferson									

Application/Control No.

Applicant(s)/Patent under

U.S. Patent and Trademark Office

DISCLAIMER

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156 and 173 of United States Patent No. 7,072,628 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 7,072,628, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154-156 and 173 of United States Patent No. 7,072,628, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or are terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026.

Respectfully submitted,

Dated: April 30, 2007 By: /François A. Pelaez/

François A. Pelaez, Reg. No. 57,838

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Customer No.: 23696

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Appl. No.

10/079,956

Confirmation No. 9226

Applicant

Roberto Padovani

Filed

February 19, 2002

Art Unit

2616

Examiner

Duc Chi Ho

Docket No.

010536

Customer No.

23696

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION UNDER 37 CFR §1.321(c)**

I, François A. Pelaez, am the agent of record for this invention. The assignee, QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is the whole of this invention.

CERTIFICATE OF TRANSMISSION (37 CFR 1.8(a)) ELECTRONIC FILING

I hereby certify that this correspondence is, on the date shown below, being electronically transmitted to the United States Patent and Trademark Office on April 30, 2007.

Depositor's Signature: /Cris E. Johnson/